

**WHITLEY COUNTY BOARD OF ZONING APPEALS
STAFF REPORT**

23-W-VAR-14 DEVELOPMENT STANDARDS VARIANCE
Phillip & Jane Frazier
9053 S. 200 East

JUNE 20, 2023
AGENDA ITEM: 3

SUMMARY OF PROPOSAL

Current zoning: AG, Agriculture
Property area: 1.527± acre

The petitioner, owner of the subject property, is requesting a development standards variance for encroachment into the front setback for construction of a porch and addition to an accessory structure located at 9053 South 200 East in Section 30 of Jefferson Township.

The petitioner is constructing a 32'x36' addition to an existing barn, which will have a front setback of 40', the code minimum. After issuance of the permit, it was found that a 10' deep front porch was also desired, which would result in a 10' encroachment for a 30' front setback.

REVIEW CRITERIA

Indiana Code §36-7-4-918.5 and Section 10.10 of the Zoning Code state the criteria listed below upon which the Board must base its review. Staff's comments/proposed findings of fact under each criterion.

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

The proposed variance will not likely be injurious to the public health or morals, as outbuildings with setbacks such as the proposed exist throughout the zoning district without injurious effect. A 30' setback is likely sufficient for an open porch to maintain a safe distance from the road and the nearby driveway. However, as with any variance, the general welfare may be injured by degradation of the effectiveness of the zoning code if there are not site-specific difficulties for the variance.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

It is not expected that this variance will adversely affect the value of the area adjacent to the property as properties throughout the AG district have similar accessory structures. Use should also not be affected, due to the distance of the proposed structure from adjacent properties and maintaining what should be an adequate front setback.

3. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction or restriction of economic gain.

The strict application of the Ordinance terms may or may not result in practical difficulties. The overall lot area is somewhat smaller than the current minimum, which constrains the placement of some improvements. However, the necessity of a porch on an accessory structure may be a bit too much, as the enlarged building is already at the required front setback.

Date report prepared: 6/15/23

BOARD OF ZONING APPEALS ACTION

Findings of Fact Criteria

	Green		Sheiss		Wilkinson		Wolf		Wright	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Criterion 1</i>										
<i>Criterion 2</i>										
<i>Criterion 3</i>										

Motion: Grant
 Grant w/conditions
 Deny

By: _____ Second by: _____

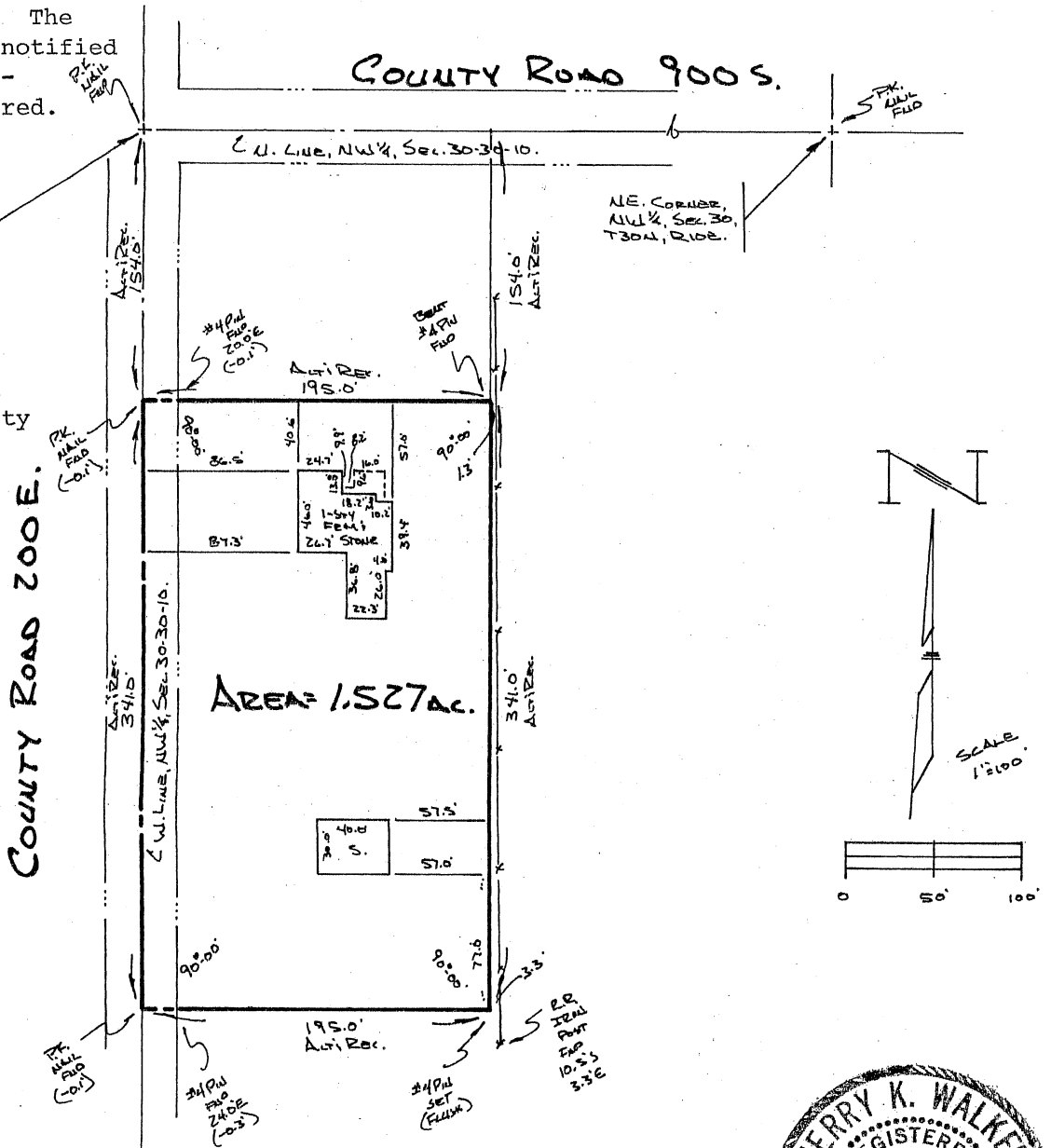
Vote:	Green	Sheiss	Wilkinson	Wolf	Wright
<i>Yes</i>					
<i>No</i>					
<i>Abstain</i>					

DESCRIPTION OF REAL ESTATE Part of the Northwest Quarter of Section 30, Township 30 North, Range 10 East, Whitley County, Indiana, more particularly described as follows, to wit: Beginning on the West line of said Northwest Quarter, at a point situated 154.0 feet South of the Northwest corner thereof; thence South, on and along said West line, being within the right-of-way of County Road 200E, a distance of 341.0 feet; thence Easterly, by an interior angle of 90°-00' and parallel to the North line of said Northwest Quarter, 195.0 feet; thence North and parallel to said West line, 341.0 feet to a point situated 154.0 feet South of said North line; thence Westerly and parallel to said North line, 195.0 feet to the point of beginning, containing 1.527 acres of land, more or less, subject to legal right-of-way for County Road 200E and all easements of record.

SURVEYOR'S REPORT

1. The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established by this survey is within the specifications for a Class B Survey (± 0.25 feet) as defined in IAC 864.
2. For Variances, Discrepancies and Inconsistencies see plat of survey.
3. This survey is subject to any facts and/or easements that may be disclosed by a full and accurate title search. The undersigned should be notified of any additions or revisions that are required.

This property is not in a flood plain as defined by the FIA Flood Hazard Map dated Sept. 9, 1977, Community No. 180298-0006A, Whitley County, Indiana.



I hereby certify on the 7th day of April, 19 93 that the above survey is correct.

Surveyed for: Malloy, Delores

Survey No.: FH-106



Frazier, Phillip G
& Frazier, Jane I &
Frazier, Garry F &
Frazier, Margaret L &
Frazier, Christopher

Nix, Carl J
& Bobbie L

Murphy,
Keith Allen

Stetzel
Family Limited
Partnership

Hestng,
Brian E

S 200 E

Morgan, Joel
& Sheels,
Kaitlyn

Frazier,
Phillip G &
Frazier, Jane I

E 900 S

Frazier, Phillip G
& Jane I & Frazier,
Garry F & Margaret L &
Frazier, Christopher I

Frazier, Phillip
G & Jane I &
Frazier, Garry F